

Sawnie A. McEntire  
Texas State Bar No. 13590100  
smcentire@pmmlaw.com  
1700 Pacific Avenue, Suite 4400  
Dallas, Texas 75201  
Telephone: (214) 237-4300  
Facsimile: (214) 237-4340

Roger L. McCleary  
Texas State Bar No. 13393700  
rmccleary@pmmlaw.com  
One Riverway, Suite 1800  
Houston, Texas 77056  
Telephone: (713) 960-7315  
Facsimile: (713) 960-7347  
*Attorneys for Hunter Mountain Investment Trust*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

HIGHLAND CAPITAL	§	
MANAGEMENT, L.P.	§	
	§	
Plaintiff.	§	Case No. 3:21-cv-00881-X
vs.	§	
	§	(Consolidated with 3:21-cv-00880-X,
HIGHLAND CAPITAL	§	3:21-cv-01010-X, 3:21-cv-01378-X, 3:21-
MANAGEMENT FUND ADVISORS,	§	cv-01379-X)
L.P. et al.,	§	
	§	
Defendants.	§	

**HUNTER MOUNTAIN INVESTMENT TRUST’S OBJECTION AND MOTION TO  
STRIKE HIGHLAND CAPITAL MANAGEMENT, L.P.’S SUPPLEMENTAL  
APPENDIX AND SELECTED PORTIONS OF THE REPLY IN SUPPORT OF ITS  
MOTION TO DEEM THE DONDERO ENTITIES VEXATIOUS LITIGANTS  
AND FOR RELATED RELIEF**

Hunter Mountain Investment Trust ("HMIT") files this objection and motion ("Motion") to (a) strike Highland Capital Management, L.P.'s ("HCM") Supplemental Appendix and Declaration of Gregory V. Demo [Dkt. 190] ("Supplemental Appendix") and selected portions of HCM's Reply [Dkt. 189] in Support of its Motion to Deem the Dondero Entities Vexatious Litigants and for Related Relief ("HCM's Motion" or "Motion") (Dkt. 136), or, (b) alternatively, for leave to file a sur-reply not to exceed ten (10) pages to provide HMIT an opportunity to fully respond to HCM's new arguments.

## **I. RELIEF REQUESTED**

1. HMIT requests that the Court enter an order substantially in the form annexed hereto as **Exhibit A** (the "Proposed Order") (a) striking HCM's Supplemental Appendix [Dkt. 190] and selected portions of HCM's Reply [Dkt. 189] in Support of HCM's Motion, or, (b) alternatively, granting HMIT leave to file a sur-reply not to exceed ten (10) pages to provide HMIT an opportunity to fully respond to HCM's new arguments, (c) grant HMIT's request for an oral hearing; and (d) otherwise deny HCM's Motion in its entirety.

2. In accordance with Rule 7.1 of the Local Civil Rules of the United States District Court for the Northern District of Texas (the "Local Rules"), contemporaneously herewith and in support of this Motion, HMIT is filing its Brief ("Brief") in Support of its Objection and Motion to Strike HCM's Supplemental Appendix and Declaration of

Gregory V. Demo and selected portions of HCM's Reply in Support of its Motion to Deem the Dondero Entities Vexatious Litigants and for Related Relief.

WHEREFORE, HMIT respectfully requests that the Court (a) grant the Motion (i) striking HCM's Supplemental Appendix and selected portions of HCM's Reply in Support of HCM's Motion, or, (ii) alternatively, granting HMIT leave to file a sur-reply in response to the Supplemental Appendix [Dkt. 190] and selected portions of HCM's Reply [Dkt. 189] not to exceed ten (10) pages to provide HMIT an opportunity to fully respond to HCM's new arguments; and (b) grant HMIT's request for an oral hearing; (c) otherwise deny HCM's Motion in its entirety; and (d) grant HMIT all such further relief to which HMIT may be justly entitled.

Dated: February 23, 2024

Respectfully Submitted,

PARSONS MCENTIRE MCCLEARY PLLC

By: /s/ Sawnie A. McEntire

Sawnie A. McEntire

Texas State Bar No. 13590100

[smcentire@pmmlaw.com](mailto:smcentire@pmmlaw.com)

1700 Pacific Avenue, Suite 4400

Dallas, Texas 75201

Telephone: (214) 237-4300

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Houston, Texas 77056

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**CERTIFICATE OF CONFERENCE**

On February 22, 2024, and pursuant to N. D. Texas Local Rule 7.1, I conferred with opposing counsel, Mr. John A. Morris, regarding the relief requested in this Motion. As a result of this conference, I received an email dated February 23, 2024, in which opposing counsel indicated that Highland Capital Management, L.P. (“HCM”) would not oppose the filing of a sur-reply strictly limited to the specific factual assertions in paragraphs 37 and 38 of HCM’s Reply, provided that the Sur-Reply is filed within 10 days and is limited to 10 pages, but that if HMIT seeks any different or additional relief HCM opposes the entirety of the Motion. HMIT is seeking additional and different relief and, accordingly, this Motion is opposed.

/s/ Roger L. McCleary  
Roger L. McCleary

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on February 23, 2024, true and correct copies of this document were electronically served by the Court’s ECF system on parties entitled to notice thereof.

/s/ Sawnie A. McEntire  
Sawnie A. McEntire